

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, May 8, 2001 – 9:00 a.m. – Room 414 State Capitol

Members Present:

Sen. Howard A. Stephenson,
Senate Chair
Rep. David Ure,
House Chair
Sen. Ed Mayne
Sen. Michael G. Waddoups
Speaker Martin R. Stephens
Rep. Judy A. Buffmire
Rep. James R. Gowans
Rep. John E. Swallow

Members Absent:

Sen. Mike Dmitrich
President Al Mansell

Staff Present:

Mr. Arthur L. Hunsaker,
Research Analyst
Ms. Susan Creager Allred,
Associate General Counsel
Ms. Cassandra Bauman,
Legislative Secretary

Note: A list of others present and copies of handouts distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of Minutes

Chair Ure called the meeting to order at 9:12 a.m.

MOTION: Sen. Waddoups moved to approve the minutes of the April 24, 2001 meeting. The motion passed unanimously with Speaker Stephens absent for the vote.

2. R501-12-8 Safety

Sen. Waddoups introduced the issue. Mr. Ryan King distributed a handout containing: (1) a letter from the Office of Licensing, Department of Human Services, denying his request to become a foster parent; and (2) the rejection of his appeal by an administrative law judge. Mr. King also described his experiences with the agency and his efforts to become a foster parent.

Mr. Dale King, attorney, explained that the agency has interpreted its rule in a way that denies Mr. Ryan King his rights as a permit holder.

Ms. Kate Lahey, Legal Counsel, Department of Human Services, explained the position of the agency and how it views its statutory obligations in the case. Ms. Carole Verdoia, Assistant Attorney General, further clarified that the central issue is the accessibility of the firearm when the concealed firearm permit holder and the foster child are in the home and that the rule was intended to insure the safety of foster children and foster parents.

Rep. Swallow asked whether police officers who are also foster parents are instructed to lock up firearms in the home. Ms. Kay Harrison, Office of Licensing, stated that police officers are instructed to lock up firearms when foster children are in the home and that the Office of Licensing does not routinely ask potential foster parents if they have concealed firearm permits.

Sen. Waddoups stated that concealed firearm permit holders carry a firearm to protect themselves and family members, but if firearms are locked up it is difficult for permit holders to use them when they feel their family is being threatened.

Ms. Lahey said that the rule would receive further review and in approximately 60 days she would come before the committee with the results of the review.

Ms. Sarah Thompson, Utah Gun Owner's Alliance, expressed concern with encroachments on the rights of concealed firearm permit holders.

3. R131-4 Procurement of Construction – Bulletin, April 15, 2001, p.7

Speaker Stephens explained that he wanted to examine how the proposed rule from the Capitol Preservation Board regarding procurement of construction differed from the existing Division of Facilities Construction and Management (DFCM) rule.

Mr. Arthur L. Hunsaker, Research Analyst, Office of Legislative Research and General Counsel, distributed a side-by-side comparison of the two rules which highlighted the more significant deviations of the proposed rule.

Speaker Stephens and Rep. Ure expressed concern with some of the disparate provisions.

Mr. David Hart, Executive Director, Capitol Preservation Board, stated that the proposed rule differs from the existing DFCM rule due to the need to make clarifications and increase flexibility. Other changes were made to resolve problems encountered with the DFCM rule's language in the past. He also indicated that the rule incorporates changes that DFCM will soon be making to its rule.

Mr. Ken Nye, Program Director, DFCM, stated that the division is currently preparing changes to its rule governing procurement of construction that are similar to the Capitol Preservation Board's changes. He said that the state building board has approved the draft changes and that the final draft will be available within the next few weeks.

Speaker Stephens requested that a review of the side-by-side comparison be placed on the next Capitol Preservation Board agenda. Mr. Hart agreed.

4. Committee Business

a. Staff Report: Review of Broad Statutory Grants of Authority to Make Rules
- Delayed until the next committee meeting.

b. Date of Next Meeting - Tentatively scheduled for Tuesday, May 29 at 9:00 a.m.

- c. **Items for Next Meeting** - No additional items discussed.

5. Adjourn

MOTION: Rep. Gowans moved to adjourn the meeting at 10:59 a.m. The motion passed unanimously with Rep. Swallow and Speaker Stephens absent for the vote.

